

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Fusion Oil, Inc., et al.,

Case Nos. 3:05 CV 7434
3:06 CV 7018

Plaintiffs,

-vs-

ORDER

American Petroleum Retail, Inc., et al.,

JUDGE JACK ZOUHARY

Defendants,

and

Mohamad Ajami, et al.,

Plaintiffs,

-vs-

Republic of Lebanon, et al.,

Defendants.

This matter is before the Court on a Motion to Enforce Settlement Agreement (Doc. No. 53) filed by Herbert Howard. The Motion asks the Court to enforce the terms of an Agreement (attached to the Motion as Exhibit 1). That Agreement is between Mohamad Ajami and Herbert Howard and is dated October 20, 2004, pre-dating the filing of this lawsuit on November 15, 2005.

The settlement in this case took place on April 4, 2008 (Exhibit 2 attached to the Motion). During the settlement hearing on that date, Mr. Howard referenced the Agreement, but that Agreement was **not** a part of the settlement discussions and is **not** part of the settlement documents that were before this Court. In short, this Court has no independent basis of jurisdiction to hear any dispute between Mr. Ajami and Mr. Howard over that Agreement. *McAlpin v. Lexington 76 Auto Truck Stop, Inc.*, 229 F.3d 491, 501 (6th Cir. 2001) (holding a federal district court lacks jurisdiction

to enforce a settlement agreement without “expressly retain[ing] jurisdiction to enforce the settlement agreement”) (quoting *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 380-81 (1994)).

For these reasons, the Motion to Enforce is denied.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

November 14, 2008